

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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IN CLERKS OFFICE
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R. JOSEPH HEWETT (Pro Se) and
others similarly situated, DOES 1-10,000,

Plaintiffs,

v.

TRUMP ORGANIZATION INC., a New
York Corporation, TRUMP
PRODUCTIONS, LLC, a New York
Corporation, DONALD TRUMP, a New
York resident, MARK BURNETT
PRODUCTIONS, INC., a California
Corporation, MARK BURNETT, an
Alien residing in the United Kingdom,
JEAN WORLDWIDE INC., a California
Corporation, ARCHIE WORLDWIDE,
INC., a California Corporation, CJ
WORLDWIDE, INC. a California
Corporation, and DOES 1-10,

Defendants.

Case No.:

U.S. DISTRICT COURT
DISTRICT OF MASS.

COMPLAINT FOR:

**(1) AGE DISCRIMINATION IN
HIRING**

**REQUEST FOR CLASS-ACTION
CERTIFICATION**

DEMAND FOR JURY TRIAL

1 Plaintiffs R. Joseph Hewett and others similarly situated, Does 1-10,000
2 (collectively "Plaintiffs"), allege as follows:
3

4 **JURISDICTION**

- 5 1. This Complaint alleges age discrimination arising under Title VII of
6 the Civil Rights Act (1964) as supplemented by the Age Discrimination
7 in Employment Act (1967) 29 U.S.C. § 621 *et seq.*, as amended. This
8 court has subject matter jurisdiction over these federal questions pursuant
9 to 29 U.S.C. § 626(b) and (c) and 28 U.S.C. § 1331.
- 10 2. This Complaint also alleges violations of Massachusetts law arising
11 under the Massachusetts Fair Employment Practices Act, G.L. c. 151B.
12 This court has jurisdiction over these claims pursuant to its supplemental
13 jurisdiction, 29 U.S.C. § 633(a) and (b) and 28 U.S.C. § 13679(a).
14

15 **VENUE**

- 16 3. Venue for this action properly lies in this District pursuant to 28
17 U.S.C. § 1391(a) because a substantial part of the events leading to these
18 claims arose in the District and 1391(d) because one of the named
19 Defendants is an alien. If the claim is certified as a class-action or
20 collective-action, then future named and un-named plaintiffs, currently
21 referred to as "DOES 1-10,000" will be found to reside in most every
22 District in the United States.
23

24 **SUMMARY OF THE ACTION**

- 25 4. On January 8, 2004, the first installment of the reality television series
26 known as "The Apprentice" aired on the NBC television network which
27 broadcast the show to a national audience. The show depicts Mr. Donald
28 Trump, a Defendant in this action ("Trump") in his real-life role as
29 Chairman, President and CEO of The Trump Organization, a real estate
30 and development conglomerate based in New York. The show depicts
31 and centers on Trump as he evaluates a group of job candidates who have
32 applied to become "The Apprentice". In weekly installments or episodes,

Trump eliminates one or more job candidates from consideration for the position. This continues through the course of a television season or cycle until Trump finally chooses one person as the ultimate winner of The Apprentice job. The candidate who is selected to become "The Apprentice" is given a one year employment contract at a salary of \$250,000. The winner spends the following year as an employee of The Trump Organization or one of Trump's subsidiary or otherwise related corporations. This working relationship sometimes or oftentimes continues beyond the initial one-year contract period.

5. Prior to the airing of the first cycle of The Apprentice, approximately 8,000 applicants initially applied for The Apprentice job opening. Out of that number, 16 applicants were selected as finalists for The Apprentice position. The oldest of the 16 finalists was thirty-six (36) years old. Prior to Cycle 2, which first aired on September 9, 2004, approximately 40,000 applications were received. Out of that number, 18 applicants were chosen as finalists to become "the next Apprentice". The oldest of this group of 18 finalists was thirty-seven (37) years old.

Prior to Cycle 3, which first aired on January 20, 2005, approximately 10,000 applications were received. Out of that number, 18 applicants were chosen as finalists to become "the next Apprentice". The oldest of this group of 18 finalists was forty-one (41) years old. None of the other 17 finalists were over thirty-nine (39) years old.

Prior to Cycle 4, which first aired on September 22, 2005, approximately 12,500 applications were received. Out of that number, 18 applicants were chosen as finalists to become "the next Apprentice". The oldest of this group of 18 finalists was forty-one (41) years old. None of the other 17 finalists were over thirty-nine (39) years old.

Prior to Cycle 5, which first aired on February 27, 2006, approximately 8,000 applications were received. Out of that number, 18 applicants were chosen as finalists to become "the next Apprentice". Quoting from the "NBC Official Site" http://www.nbc.com/The_Apprentice_5/about.shtml: "Ranging in age from 22 - 38, these candidates boast degrees from

1 Harvard, Columbia, Northwestern and Cornell University.” According to
2 the NBC website, none of the 18 finalists was over 39 years old.

3 Prior to Cycle 6, which is scheduled to begin airing on January 07, 2007,
4 an estimated 13,000 applications were received. Out of that number, 18
5 applicants were chosen as finalists to become “the next Apprentice”.

6 According to The NBC official website, none of the 18 finalists is over
7 39 years old.

8 Plaintiffs allege that a pattern of age discrimination against the ADEA
9 protected class is clearly in evidence here. Defendants appear to be
10 consistently predisposed to favoring younger job applicants in their
11 selection process. Over the course of six seasons or cycles, approximately
12 100,000 candidates have applied for these positions. One hundred and six
13 (106) applicants have been selected from this field to become finalists.
14 Only two candidates (out of 106, out of 100,000) who were over 40 years
15 old, were selected to continue with the job interview process featured on
16 the television show. Not even one of the 106 finalists were over 42 years
17 old at the time of their selection. Plaintiffs bring this lawsuit in an effort
18 to halt Defendants from continuing to discriminate against the protected
19 class.

20 21 **PARTIES TO THE ACTION**

- 22 6. Plaintiff R. Joseph Hewett (“Hewett”), at all times herein mentioned, is
23 and was an individual residing in the sate of New Hampshire. Plaintiff
24 Hewett attained standing in this action when he applied for and attended
25 an interview for “The Apprentice” in Natick, Massachusetts on July 9,
26 2005. Hewett was 49 years old at the time of the interview. Hewett
27 presented himself as an outstanding candidate who possessed all of the
28 qualities that Trump had previously expressed that he was looking for in
29 his next “Apprentice”. Trump has commented during the course of his on
30 air interview program, that he prized a combination of book smarts and
31 street smarts. Hewett’s resume reveals that he was a Magna Cum Laude
32 graduate of New Hampshire College with a Bachelor of Science degree

1 in Business Administration. Hewett also possess many years of
2 experience maintaining large commercial properties, with particular
3 expertise managing the electrical, HVAC and Information Technology
4 departments. Even though The Trump Organization is primarily in the
5 business of developing, managing and maintaining large commercial
6 properties, most of the finalists who ultimately were selected to compete
7 for these high-level management jobs did not have the type of closely
8 related skills and experience that Hewett offered. Regarding so-called
9 street smarts, Hewett grew up and prospered on the streets of Lawrence,
10 Massachusetts, a gritty old textile-mill city where the development of
11 street-smart skills are required if one is to survive. Despite having
12 excellent property management credentials, as opposed to the majority of
13 applicants, Hewett was quickly rejected and was not invited to continue
14 on with the selection process. Hewett maintains that he was one of a large
15 number of applicants whose candidacy was disregarded or discounted,
16 mostly or partly due to a widespread and prevalent bias against older job
17 applicants that surrounded this hiring process.

18 7. Plaintiff Hewett does not know the true names and identities of those
19 Plaintiffs named herein as "others similarly situated" and DOES 1-10,000
20 and therefore refers to these Plaintiffs by such fictitious names. Hewett,
21 or an attorney to be assigned to this case in the future, will amend this
22 complaint, if certified as a class action, to identify many of the real
23 names and identities of these Plaintiffs. Plaintiffs may also amend this
24 complaint, with permission from the court, to include another class or
25 sub-class who were similarly situated and whose civil rights may have
26 been infringed under the Americans With Disabilities Act of 1990.

27 8. Plaintiff is informed and believes, and therein alleges, that Defendant
28 The Trump Organization ("Trump Org.") is a corporation organized
29 under the laws of the state of New York with its principle place of
30 business in New York, New York. Plaintiff is further informed and
31 believes and on that basis alleges, that Trump Org. is and /or has been
32

1 engaged in illegal and discriminatory hiring practices via their connection
2 to the reality based television program The Apprentice.

- 3 9. Plaintiff is informed and believes, and therein alleges, that Defendant
4 Trump Productions, LLC ("Trump Productions") is a corporation
5 organized under the laws of the state of New York with its principle
6 place of business in New York, New York. Plaintiff is further informed
7 and believes and on that basis alleges, that Trump Productions is and / or
8 has been engaged in illegal and discriminatory hiring practices via their
9 connection to the reality based television program The Apprentice.
- 10 10. Plaintiff is informed and believes, and therein alleges, that Defendant
11 Donald Trump ("Trump") is a resident of the state of New York. Plaintiff
12 is further informed and believes and on that basis alleges, that Trump is
13 and / or has been engaged in illegal and discriminatory hiring practices
14 via his association with the reality based television program The
15 Apprentice.
- 16 11. Plaintiff is informed and believes, and therein alleges, that Defendant
17 Mark Burnett Productions is a corporation organized under the laws of
18 the state of California with its principle place of business in Los Angeles,
19 California. Plaintiff is further informed and believes and on that basis
20 alleges, that Mark Burnett Productions is or has been engaged in illegal
21 and discriminatory hiring practices via their association with the reality
22 based television program The Apprentice. Plaintiff is further informed
23 and believes, and therein alleges, that Defendant Mark Burnett
24 Productions effectively acts or has acted as an employment agency for
25 Defendants The Trump Org., Trump Productions and Trump via their
26 association with the television program The Apprentice.
- 27 12. Plaintiff is informed and believes, and therein alleges, that Defendant
28 Mark Burnett is a resident of the United Kingdom. Plaintiff is further
29 informed and believes and on that basis alleges, that Mark Burnett is or
30 has been engaged in illegal and discriminatory hiring practices via his
31 association with the reality based television program The Apprentice.
32 Plaintiff is further informed and believes, and therein alleges, that

1 Defendant Mark Burnett effectively acts or has acted as an employment
2 agent or agency for Defendants The Trump Org., Trump Productions and
3 Trump via his association with the television program The Apprentice.

4 13. Plaintiff is informed and believes, and therein alleges, that Defendant
5 Jean Worldwide Inc., ("Jean Worldwide") is a corporation organized
6 under the laws of the state of California with it's principle place of
7 business in Los Angeles, California. Plaintiff is further informed and
8 believes and on that basis alleges, that Jean Worldwide is or has been
9 engaged in illegal and discriminatory hiring practices via their
10 association with the reality based television program The Apprentice.
11 Plaintiff is further informed and believes, and therein alleges, that
12 Defendant Jean Worldwide effectively acts or has acted as an
13 employment agency for Defendants The Trump Org., Trump Productions
14 and Trump via their association with the television program The
15 Apprentice.

16 14. Plaintiff is informed and believes, and therein alleges, that Defendant
17 Archie Worldwide Inc., ("Archie Worldwide") is a corporation organized
18 under the laws of the state of California with it's principle place of
19 business in Los Angeles, California. Plaintiff is further informed and
20 believes and on that basis alleges, that Archie Worldwide is or has been
21 engaged in illegal and discriminatory hiring practices via their
22 association with the reality based television program The Apprentice.
23 Plaintiff is further informed and believes, and therein alleges, that
24 Defendant Archie Worldwide effectively acts or has acted as an
25 employment agency for Defendants The Trump Org., Trump Productions
26 and Trump via their association with the television program The
27 Apprentice.

28 15. Plaintiff is informed and believes, and therein alleges, that Defendant
29 CJ Worldwide Inc., ("CJ Worldwide") is a corporation organized under
30 the laws of the state of California with it's principle place of business in
31 Los Angeles, California. Plaintiff is further informed and believes and on
32 that basis alleges, that CJ Worldwide is or has been engaged in illegal

1 and discriminatory hiring practices via their association with the reality
2 based television program The Apprentice. Plaintiff is further informed
3 and believes, and therein alleges, that Defendant CJ Worldwide
4 effectively acts or has acted as an employment agency for Defendants
5 The Trump Org., Trump Productions and Trump via their association
6 with the television program The Apprentice.

7 16. Plaintiffs do not know the true names and capacities of those
8 Defendants sued herein as DOES 1 through 10, inclusive, and therefore
9 sue these Defendants by such fictitious names. Plaintiffs will amend this
10 Complaint to allege their true names and capacities when such are
11 ascertained. Plaintiffs are informed and believe, and on that basis allege,
12 that each of the Defendants sued herein as DOES 1 through 10, inclusive,
13 is in some manner legally responsible for the wrongful acts set forth
14 herein.

15 17. Plaintiffs are informed and believe, and therein allege, that Defendants,
16 and each of them, are and/or were, at all times herein mentioned, the
17 agents, servants, employees, joint venturers, and/or co-conspirators of
18 each of the other. Defendants, and each of them, at all times herein
19 mentioned, were acting within the course and scope of said agency,
20 employment, and/or service in furtherance of the joint venture and/or
21 conspiracy.

22 VENUE

23 18. Venue is proper in this court pursuant to 28 U.S.C. § 1391(a) and/or
24 (d) because a substantial part of the events giving rise to the claims
25 herein occurred in this District, or, in the alternative, because one or more
26 of the Defendants are aliens.
27

28 FACTUAL BACKGROUND AND ALLEGATIONS COMMON 29 TO ALL CLAIMS FOR RELIEF

30 19. Defendants have been engaged for several years in the design and
31 production of a television program where candidates vie for the prospect
32

1 of attaining a real-life job, working as a term, contract employee for a
2 well known person and corporation at a salary of \$250,000. Plaintiff
3 Hewett applied for said position on July 9, 2005 and was immediately
4 denied. A close empirical inspection of the numbers of people who have
5 made up the applicant pool to date in comparison with the number (and
6 age) of persons who have been selected as finalists for these highly
7 sought after management positions indicates that a clear and persistent
8 bias is in place that discriminates against persons over 40 years old in the
9 hiring for these "Apprentice" positions. Plaintiff Hewett filed an age
10 discrimination complaint with the Equal Employment Opportunity
11 Commission on July 30, 2005. The EEOC subsequently issued to Hewett
12 a Right To Sue Notice for EEOC charge numbers 161-2005-00723 and
13 161-2005-00724. Said Right To Sue Notice arrived at Hewett's residence
14 via U.S. Postal Service on October 12, 2006, bearing a postmark dated
15 October 10, 2006 (see Exhibit A). Plaintiff Hewett maintains that
16 Defendants have no claim to a Bona Fide Occupational Qualification that
17 would exempt them from the hiring provisions and practices outlined and
18 mandated in the Age Discrimination in Employment Act. Plaintiffs seek
19 damages and penalties in an exact amount to be determined at trial.
20 Plaintiffs also seek reimbursement from Defendants for any and all costs
21 of suit and attorney fees when such fees are allowable by the court.
22

23 **REQUEST FOR CLASS ACTION CERTIFICATION**

- 24 20. Plaintiff Hewett, on behalf of himself and others similarly situated,
25 hereby request that this lawsuit receive consideration and certification as
26 a Class Action pursuant to F.R.C.P. 23. In the alternative, if Class Action
27 certification is for any reason denied, Plaintiff Hewett, on behalf of
28 himself and others similarly situated, do hereby request that this lawsuit
29 receive consideration for certification as a Collective Action under
30 Section 216(b) of the Fair Labor Standards Act (1938) as amended.
31
32

PRAYER FOR RELIEF

21. Plaintiff Hewett, on behalf of himself and others similarly situated, pray for a judgment against Defendants TRUMP ORGANIZATION INC., TRUMP PRODUCTIONS, LLC, DONALD TRUMP, MARK BURNETT PRODUCTIONS, INC., MARK BURNETT, JEAN WORLDWIDE, INC., ARCHIE WORLDWIDE, INC., CJ WORLDWIDE, INC. and DOES 1-10 for violations of the Age Discrimination in Employment Act in association with their activities in selecting job candidates for a televised program known as "The Apprentice" as outlined above in paragraphs 1 through 20. Plaintiffs seek damages and penalties in an exact amount to be determined at trial. Plaintiffs also seek judgment for reimbursement from Defendants for any and all costs of suit and attorney fees when such fees and reimbursements are allowable by the court.
22. Plaintiffs further seek injunctive relief, asking the Court to order the Defendants to cease engaging in the discriminatory practices herein outlined in paragraphs 1 through 21.

CLAIM FOR RELIEF

23. For Plaintiffs and against all Defendants, this lawsuit seeks a claim for relief on the charge of age discrimination.
24. For attorney's fees and costs of suit as provided by statute or otherwise; and
25. For exemplary and punitive damages as provided by statute or otherwise; and
26. For such other and further relief as the Court deems just, equitable and proper.

DATED: January 4, 2007

By: _____

R. Joseph Hewett
Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury.

DATED: January 4, 2007

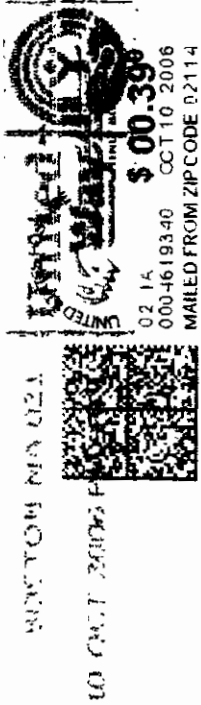
By: _____
R. Joseph Hewett
Plaintiff

EXHIBIT A

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

BOSTON AREA OFFICE
JOHN F. KENNEDY FEDERAL OFFICE BUILDING
GOVERNMENT CENTER, ROOM 475
BOSTON, MA 02203

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



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